IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 19560 of 2004

Between:

K.Siddaiah, S/o.Late K.Ramaiah,
R/o.1-10-25/1, Street No.3,
Ashoknagar, Hyderabad-20

..... PETITIONER

AND

1 The District Cooperative officer, Hyderabad Urban District, Hyderabad.
2 The Liquidator, Manikanta Coop. Urban Bank Ltd., Opp:Mayuri Talkies,
RTC X Roads, Hyderabad.
3 A.P.Cooperative Tribunal, Nampally at Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the condition of deposit of half of the disputed amount or furnishing immoveable property security vide order in I.A.No.1306/2004 in CTA No.221/2004, dt.6-10-2004 on the file of the 3rd respondent as illegal, arbitrary and unconstitutional and set-aside the same.

Counsel for the Petitioner : Mr.B.VIJAYSEN REDDY

Counsel for Respondents : G.P. FOR COOPERATION

The Court made the following :

ORDER:

This writ petiton is filed aggrieved by the order of the third respondent-Tribunal passed in I.A.NO.1306 of 2004 in C.T.A.No. 221 of 2004 dated 6.10.2004 whereunder the Tribunal, pending the appeal against the surcharge order, granted stay subject to depositing half of the disputed amounts or furnishing immovable property security for the involved amounts.

Heard the learned counsel for petitioner and the learned Government Pleader appearing for respondents.

The petitioner contends that having regard to the facts and circumstances of the case and particularly in view of the fact that the entire property belonging to the petitioner is under attachment, the Tribunal is not justified in imposing such a condition which is onerous in nature.

Since the appeal is pending, it is always open to the petitioner to make necessary application before the third respondent-Tribunal explaining the circumstances under which the impugned order requires modification. The interference of this Court is not warranted at this stage.

Accordingly, without expressing any opinion on the merits, the writ petiton is disposed of granting leave and liberty to the petitioner to make an application before the third respondent-Tribunal seeking modification

of the impugned order dated 6.10.2004. If any such application is made, the same shall be considered and appropriate orders shall be passed in accordance with law. No costs.

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G.ROHINI, J

Date: 26.10.2004

DA

To

1 The District Cooperative officer, Hyderabad Urban District, Hyderabad.
2 The Liquidator, Manikanta Coop. Urban Bank Ltd., Opp:Mayuri Talkies, RTC X Roads, Hyderabad.
3 The Presiding Officer, A.P. Cooperative Tribunal, Nampally at

Hyderabad.

4 Two CCs to the G.P. for Cooperation, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.